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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA

Order

The 8th March, 2019

No. SEC/3ME/2019/761.— The General Election of Municipal Council, Kaithal was held on 22.05.2016 and the result of the elected candidates was declared same day.

2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its notification No. SEC/3ME/2015/619, dated 03.06.2015 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs. 1,00,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Council, Kaithal and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized Assistant State Election Commissioner, State Election Commission, Haryana *vide* order No. SEC/1ME/2017/2017, dated 01.12.2017 and further modified *vide* order No. SEC/1ME/2018/842, dated 28.02.2018 to decide the cases of disqualification of the candidates of the said municipality, who failed to lodge their account of election expenses.

6. As reported by the Executive Officer, Municipal Council, Kaithal, the following candidates had contested the election of Municipal Council, Kaithal held on 22.05.2016 but failed to submit their election expenditure account:-

Sr. No.	Name of Candidate	Ward No.
1.	Sharwan Kumar	3
2.	Sunil Kumar	3
3.	Mukhtiar Singh	20
4.	Anju	22
5.	Pankaj	25
6.	Vishal	25

7. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them an opportunity of personal hearing on 15.02.2019 in the Municipal Council, Kaithal in the interest of natural justice. Sh. Raj Kumar Sharma, ME of Municipal Council, Kaithal was appeared who has submitted a copy of letter dated 04.02.2019 issued by the Executive Officer, Municipal Council, Kaithal to all the above said candidates. It has been observed notice of personal hearing has been delivered in person or through their family members.

8. The above mentioned contesting candidates appeared before me but had not filed any representation. Therefore, it can be concluded that they have nothing to say in the matter. Hence, they are proceeded ex-parte. The above noted candidates deserve to be disqualified. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that all the above 6 candidates are disqualified under Section 13D of the Haryana Municipal Act, 1973 read with Section 10A of the Representation of People Act, 1951 for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

9. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Kaithal immediately.

Panchkula:
The 8th March, 2019.

PARMAL SINGH,
Asstt. State Election Commissioner, Haryana.